

**REMARKS**

Claims 1-12 are pending and are rejected. Applicants acknowledge the withdrawal of the objections and the 35 U.S.C. §112, ¶2 rejections to claims 1-11. Applicants respectfully request reconsideration for the following reasons.

**CLAIM REJECTIONS UNDER 35 U.S.C. §112**

Claims 1-12 are rejected under 35 U.S.C. §112, ¶ 1, as not enabled.

Applicants respectfully reassert that the claims are fully described and enabled, for the reasons enumerated and analyzed in the Amendment filed on December 15, 2003. Nevertheless, and solely to advance prosecution, applicants provide a Declaration from Dr. Peter R. Oeltgen, an inventor, with Attachment A, demonstrating use and efficacy of the claimed peptide.

Control mice receiving saline alone (Group I), or saline and the claimed peptide (Group II), had normal ALT levels (84-138 IU), indicating normal hepatic function. All mice induced for hepatic injury by administering endotoxin and galactosamine, and not treated with the claimed peptide (Group III), had increased ALT levels, ranging from 2500 to 3500 IU/L, and died (100% mortality). In contrast, mice induced for hepatic injury by administering the identical concentrations of endotoxin and galactosamine, and receiving the claimed peptide (Group IV), had only 33.33% mortality, and had decreased ALT levels of 640, 837, 956, and 1028 IU/L.

These data demonstrate the nexus of the peptide to hepatic injury.

**CONCLUSION**

Applicants believe the Examiner's rejections are overcome, and that the application is in complete condition for allowance. Applicants believe that no fees are due. However, should any fees or surcharges be deemed necessary, the Examiner has authorization to charge fees or credit any overpayment to Deposit Account No. 23-3000.

The Examiner is invited to telephone applicant's undersigned representative with any questions.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

Beverly A. Lyman

Beverly A. Lyman, Ph.D.  
Reg. No. 41,961

2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202  
513 241 2324  
513 421 7269 (facsimile)